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# The South Carolina Historical and Genealogical Magazine.

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VOL. XIII.

OCTOBER, 1912.

No. 4

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DIARY OF TIMOTHY FORD.

1785-1786.

With notes by Joseph W. Barnwell.<sup>1</sup>*(Continued from the July Number)*

Nov<sup>r</sup>. 28<sup>th</sup>. At the request of Doc<sup>t</sup>. Waring & the invitation of his agreeable family I accompany him to his father's to spend a day or two principally with his Brothers Benj. & Peter.<sup>2</sup> In the progress of this jaunt I improve my acquaintance with the Doct. and found him in fact what I had before judged him to be an amiable man endowed with good sense and merit. His heart seems calculated for friendship; his mind for improvement & his manners for sociability. We arrived at M<sup>r</sup>. Warings in

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<sup>1</sup>In the issue of this Magazine of July, 1912 (page 132), Mr. Ford mentions General Furman of New Jersey. This was probably Moore Furman (1728-1808) a distinguished lawyer of Trenton, N. J. and Philadelphia, Pa., first mayor of Trenton, Judge of the Common Pleas of N. J., owner of mills and manufacturing establishments at Pittstown, N. J., a village founded by him. He was Department Quartermaster General in the Revolutionary War.

The respectable family of "Shipping" mentioned (page 137) by the diarist was probably meant for "Shippen," of which family the wife of Benedict Arnold was a member.

<sup>2</sup>John Beamer Waring and his three sons by his first wife, Katherine Smith. None of these sons married. The plantation mentioned was probably "Pine Hill" the same at which the author was entertained on his trip to Beaufort (page 144). John Beamer Waring was a son of Richard Waring, and a grandson of Benjamin Waring, who came to the Colony in 1683.

the evening. The next morning the gent<sup>l</sup>: proposed to spend the day in hunting and fowling—We do so & commit considerable slaughter. The next day we spend in the same manner very agreeably—I admire the harmony of these three brothers & their hospitality. Here I have an opportunity of learning something of the nature & process of cultivating rice; a piece of information which I readily embraced. I was told that planters adopted divers modes, differing from one another sometimes, thro difference of situation, soil & judgment. Indeed the same mode will not always do—it must in some degree be regulated by caprice of season. The first peculiarity that strikes a northern person is the lands being tilled by the Dint of manuel labour without the assistance of machines—'tis neither plowed nor harrowed, but hoed; the hoe being the only instrument used not only in rice, but indigo, corn &c.—

Rice is generally planted in April—the ground is yet wet & marshy when they begin to dig their trenches, which are at the distance from 8 to 12 inches apart. If a crop has come off the last year they make the new rows between the old ones, & a smart negro will plant his half acre per day. The average of seed to the acre is one bushel, this however is various according to the degree of fertility. It is from 3 days to a week in making its appearance & being invariably attended with weeds & grass must soon after to wit 2 or 3 weeks be hoed & weeded. Little use can however be made of the hoe at this period except to loosen the soil between the rows. the weeds must be pulled up by hand. This is a critical time & requires the vigilance & judgment of the planter, for heavy rains, or severe droughts prove equally fatal, & put him to the necessity of re-planting. In the one case the banks around his field must be opened, & every possible drain made use of to draw off the incumbent water; in the other case the sluices must be opened from the reservoirs & the water brought upon the field taking care that it remain not too long—ordinarily from 6 to 18 hours. Shortly after this the stalk forms a joint like oats at about 4 inches from the ground & once this is fairly formed & the stalk is pro-

ceeding to its second joint the planter thinks himself pretty safe & the crop mostly out of danger. At this period it requires a second dressing & now the hoe may be used whereby they cut up the grass & weeds & turn them over between the rows. After this the crops are generally again overflowed & the water suffered to remain on some days; but this and indeed the flowing it at all depend much on the season & situation of the ground. Every planter has his reservoirs or ponds of water which are so attended by drains & ditches that he can at any time set his plantation afloat, or vice versa; & he must know more from his own judgment & observation than anything else, when, how often, & how long his fields must be under water. When the stock forms its second joint when it begins to branch out and set it needs the third hoeing which done it is left to fill and ripen. The stock grows, branches, kernels & much resembles oats; & when it is fit to cut looks yellow like any other field of grain. In September about the middle the negroes enter the field each with a small sickle in his hand & cutting up the rice lay it upon the Stubble where it remains for one day to dry & cure or until it is dried & cured; it is then bound up in sheafs & put in small cocks, & then at leisure transported into the Barnyard & put up in large stacks ready for threshing. This is the time for fine butter in the country; the cows are turned upon the rice field where they fatten & give the richest milk in great plenty—the butter is called by way of eminence rice-butter. There is no particular set season for threshing; it is however the interest of the planter to thresh soon because he has his crops the sooner to market and if they do not command a good price & he is not so necessitated for money but that he can wait it is stored in Charleston and waits for a rise of the market.

The crop being now ready for threshing it is laid on an earthen floor in the barnyard and threshed just as our farmers do the wheat. And as in other respects it resembles oats, so in this the kernel, husk and all is beaten from the stalk; the husk closely adhering to the kernel. To separate them is another distinct process; and is done by

friction between two blocks which are thus prepared. They are cut from live oak, about 2 feet through, the under one 2½ feet high the upper one 12 to 16 inches. These are cut from their centers to their edges into threads or nuts much like a millstone and in every respect work like them (tho by hand) the grain being fed in at the center & thrown out at the circumference together with its disengaged chaff. The next process is to separate the grain from the chaff; this is effectually and expeditiously done by a winnowing mill in every respect resembling ours at the northward. The grain has now a yellowish hue, & looks rough & unpleasant. This is caused by a coat or incrustation it still has on it, & the next process is to take this off & give the grain that whiteness & polish which it is always observed to have, when at market. For this purpose wooden mortars are provided to hold about half a bushel; & fitted with large pestles with which the rice is beaten; & by a great deal of attrition this crust is disengaged from the grain & becomes a dark brown flour, which is separated by sieves for that purpose. The quantity bears a proportion to that of the clear rice as 1:5—at this season every thing on the plantation gets fat—the fowls round the barn, & even the wild fowls find a rich supply of food. The rice flour mixed with the chaff or cut straw forms the most luxurious feeding for hogs & horses—they are invariably fattened. The negroes are inspired with alacrity in beating & preparing the rice by the certainty of their coming in for shares with the rest of the *stock* on the plantation. For here it must be noted that what is called the clean rice is not the *merchantable* rice; for it is easy to conceive that the beating must break many of the grains in pieces; and this divides it into, *rice*, *midlings*, & *small rice*. These are all separated by sieves; the first is put up in barrels for market; the second reserved for family use; & the third for the consumption of the plantation.

The proportions of these three kinds are as follows—  
[The rest of the page blank.]

At the invitation of M<sup>r</sup>. Holmes & of M<sup>r</sup>. Edwards<sup>3</sup> I prepare to spend the Christmas holidays at his seat at Washington about 33 miles from Charleston and on Saturday 24<sup>th</sup> Dec<sup>r</sup>. we set off M<sup>rs</sup>. Holmes & Miss Beckworth in the Carriage & M<sup>r</sup>. Holmes & Myself in the Chair & the two M<sup>r</sup>. Edwardses on Horseback. We had the threatening prospect of a rainy day which added to the badness of the roads must necessarily occasion a disagreeable ride. The issue was no better than our apprehensions—the roads could not well be worse & it rained with very little intermission from 11 to 2½ o'clock from which tho the Ladies in the carriage were sheltered, & we in the chair by means of a large umbrella was very disagreeable & the gent<sup>l</sup>. on horseback got considerably wetted. At 12 o'clock we reached Mr. Garrets<sup>4</sup> Seat a former governor of this state where we stopped with an intention if the rain continued to tarry all night. Here I had the pleasure of an introduction to Gov<sup>r</sup>. Garret & we were regaled by some generous liquors & the rain subsiding we concluded to prosecute our journey on which we entered after a repast at 2½ o'clock. The clouds broke away and after many plunges thro slough and mud holes we arrived in the evening at M<sup>rs</sup>. Edwards's plantation to whom I had an introduction & whose easy manners affability & politeness enable me to make a speedy acquaintance. In the morning I had an opportunity of casting my eye around this place which differs from many parts of the country in that it is somewhat interspersed with hill & valley & does not exhibit that dead uniformity which though it may in some measure please the eye at first glance does not so much delight & exercise the imagination one of the boundaries is the Cooper river, another a large creek & each of their banks afford an agreeable walk.

The garden is spacious, & animated by the taste & in-

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<sup>3</sup>John Edwards, who married the widow of Isaac Holmes. Her maiden name was Rebecca Bee, and she was the mother of John B. Holmes, so often mentioned by the author. Washington plantation belonged to her, was afterwards owned by her son, Henry M. Holmes, and remained in the family until a few years before the Confederate War.

<sup>4</sup>Benjamin Guerard, Governor, 1783-1785.

genuity of M<sup>rs</sup>. Edwards, exhibits its various walks, flowers, vegetables, trees & springs in the most pleasing view.

The plantation produces everything in the greatest perfection mediately under her direction, but immediately under that of an overseer & driver. But in regard of the food it is difficult to say whether its production or cookery & dressing is in the greatest perfection. This day we are all engaged to dine at Major Hamiltons<sup>5</sup> about 2 miles from here; and at 2½ oClock our company all set out for that place.

Here I have the pleasure of an introduction to himself & Lady, Governor Moultrie & his Lady & M<sup>rs</sup>. Hyrne.<sup>6</sup> We all pass the compliments of the season—dinner is served up & I have the honor of a seat by the side of the Governor. The afternoon & part of the evening are passed agreeably. I ride home with Miss Beckworth with whom I have a great deal of conversation. She is a Lady from England her father & Brother are in the british army. She possesses a brilliancy of understanding far above even the improved part of her sex—has read a great deal, has seen much of the world at least the principal parts of Europe been conversant with the best of company in each; and really displays in an easy sociable manner all that knowledge & good sense which a mind like hers would necessarily collect from so many advantages. She has philosophy enough to think nothing that passes unworthy her attention—She scrutinises into the minutia of things, & makes the meanest parts of agriculture, botany, domestic Oconomy &c the objects of her inquiry. There is no subject either of religion, philosophy, history belles lettres or arts & sciences with which she does not appear to have been in some degree conversant. She possesses equal independence of mind & complaisance in conversation. Removed at an infinite distance from the pets, flirts affectations & prudery which are practised by the weaker part of

<sup>5</sup>"The Villa" the place of Major James Hamilton, father of Gen. Hamilton of "Nullification" days, who married the widow of John Harleston, Jr., and daughter of Thos. Lynch.

<sup>6</sup>Probably Mrs. Sarah Hyrne, widow of William Alexander Hyrne, who was the owner of "Umbria" plantation, near Washington plantation.

her sex, she seems to unite depth of understanding & solidity of thought with the delicacy of her sex. In short I have before seen very sensible women but in my estimation the palm belongs to Miss Beckworth. I like all others have found myself highly pleased with her acquaintance & Society.

On Monday M<sup>rs</sup>. Edwards invites the company we were with yesterday to dine with her. The governor Maj<sup>r</sup>. Hamilton & M<sup>rs</sup>. Hyrne attend—the Ladies of the two former being indisposed. The afternoon & evening are spent agreeably—necessarily so since presided over by M<sup>rs</sup>. Edwards who is an exception from the formality of this country & dispenses of her sociability & attention in so easy & agreeable a manner as to leave the most pleasing impressions on the company & even cause them to be more sociable with each other. We employ much of our time in sporting with our guns, which also give me an opportunity of seeing the different plantations in the vicinity of Washington. They are chiefly rice plantations & of course there prevails a sameness thro the whole—but still there is a variety in regard of buildings, avenues walks & gardens. There is a common taste for improvements of this kind among the planters here about. On Wednesday M<sup>rs</sup> Edwards being informed that Col<sup>o</sup>. Moultrie brother of the governor & Att<sup>y</sup>. Gen<sup>l</sup>. of the State has arrived at his seat about 2 miles hence with some company from town proposes that we all take tea there in the afternoon by which means I have an introduction to him his Lady, Miss Smith & M<sup>r</sup>. Moultrie his nephew from England. Miss Smith knows well that she is thought handsome; she possesses accomplishments, some sense, & a great deal of vanity. She has a great flow of spirits, talks a great deal without conversing, & intersperses profanities which I think would come much better from the mouth of a sailor than from one whose external appearance would lead us to look for delicacy and moral excellence. How much may we err in allowing the face to be an index to the mind! Since under the most pleasing features often lurks a grossness of feelings, corruption of Sentiment & severity of disposition.



M<sup>rs</sup>. Edwards invites the company to dine with her on Friday. Thursday we spend in romping about the plantation Barns &c. & in viewing the negroes at work at the rice—On Friday the company dine with us & in the evening we attempt to dance but find the music so bad that we are obliged to desist. I am more confirmed in my opinion of the rattling disposition of Miss Smyth; of the innumerable merits of Miss Beckworth & the hospitality, generosity, affability & goodness of M<sup>rs</sup>. Edwards. M<sup>r</sup>. & M<sup>rs</sup>. Holmes are no less entitled to my highest esteem & gratitude. On Saturday we all received an invitation to dine on Sunday at Col<sup>o</sup>. Moultries, where we meet an accession of company from Charleston. Dinner is served up at 4½ o'clock & the desert by candle light—On Monday we form a maroon party to visit some saw mills about 8 miles hence which in this country are considered an object of curiosity like all other pieces of machinery—water works are seldom to be heard of the levelness of the country not admitting of them.

But here I must note that this parish (of S<sup>t</sup>. John's) is an exception being very frequently interspersed with hills & valleys & the champaign country lies chiefly on the river. This has occasioned the superior order of planters to choose their plantations here, seeing they can at the same time cultivate rice & enjoy the pleasures & improvements that may be attained from the variety of hill & vale, eminences pleasant situations prospects & water courses. The soil on the uplands (for that distinction will hold here) seems much like ours at the northward only not stony & in some places spontaneously produces clover, tho in small perfection seeing it is not cultivated. Nor indeed need they cultivate it seeing their corn blades stripped off when green & cured with their native substance in them form a very Luxuriant feed for horses. The hay they cut is but little better than dry leaves—however their pastures are good the greater part of the year; & the rice straw is both agreeable & serviceable to horses & cattle.

Within sight of Washington is the seat & plantation of his excellency Henry Laurens,<sup>7</sup> agreeable prospect of which

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<sup>7</sup>Mepkin Plantation.

induces us to visit it today (tuesday) Contrary to our expectations he had gone to Town we were not however disappointed of viewing the place which displays the beauties & advantages of nature no less than the ingenious improvements of its owner. He is a rare instance of method, whereby his plantation raises itself above those of this country in which everything is done immethodically by the round about means of force & Labour. One may here & there be found who rising above the prejudices & shaking off the supine carelessness of the country ventures into the use of machinery & the contrivances of art; and what makes it still more surprising that they are not imitated more is that they are generally very successful and find their account in such undertakings. M<sup>rs</sup>. M<sup>r</sup>. Holmes & myself get into a boat & return to M<sup>rs</sup>. Edwards's by water about 3½ miles.

The Cooper river at this place winds itself very beautifully into a serpentine course; is navigable a considerable distance above Strawberry, and its banks afford a number of fine situations & prospects, which are generally improved in this country seeing they are so rare. This day is closed by preparations to set off tomorrow early for Charleston M<sup>rs</sup>. Edwards to accompany us. We all set out at 8 o'clock & I take leave of a place with a degree of gratitude which for 10 days past has afforded me much pleasure. The day is very pleasant, but nothing occurs worthy of relation except one incident which may seem in a degree to illustrate some of the maxims of this country. As we were dining under the trees by a bridge a gent<sup>n</sup>. on horseback hove in sight who appeared by his dress his air & the goodness of his horse to be of some note & distinction. As we were all surveying & querying who he should be one of the company finished the enquiry by saying "he cannot be a gentleman for he is riding without servants." At this instant I transported my self to the northward & tacitly remarked how many would lose their titles, were such to be the test of gentility there. But so it is that in this Country a person can no more act or move without an attending servant than a planet without its satellites. If they only cross their plantation they must have a sub-

servient follower, and if they ride out their horse might as well want a leg as they the necessary equipage which is their recourse in their frequent helpless situations. And which as they advance serve as ensigns of their rank and dignity. The person however regained his lost honours by two servants heaving in sight who had been concealed by the woods; and it was agreed on all sides that he is a gentleman. Our ride to town would have been very agreeable but for bad roads of which S. Car. has very ample share—some almost impassable.

We got in in the evening & there I finished my Christmas jaunt—A Season when the country is most lively partly by means of the vast immigration from the city & partly of the relaxations from rural concerns, the hurry of business being chiefly over. It is almost vulgar to spend the Christmas holidays in the city; and of course the gay part of its inhabitants pour into the country where like birds uncaged they scarcely allow rest to their feet, but range thro the plantations & the barn yards & beat up the game; the ladies mount the rice stacks, with emulous dexterity, & perch'd upon their summits in triumph vaunt at the gent<sup>n</sup>. below, who at length investigate them, & having gained the summit a contest succeeds which either brings them down in succession, or the mass of rice unable longer to sustain the load rushes down hurrying in its common fall its intrepid riders.

The citizens as would naturally be expected relax in some degree that rigid formality for which they are remarked—but still they retain more than enough. It is hard that hospitality should thus want its most essential part (sociability) and that a person cannot be made an object of politeness without being also made an object of formality. The ladies carry formality & scrupulosity to a considerable extreme; a stranger makes his female acquaintance by slow gradations interspersed with niceties & punctilios w<sup>b</sup>. often disconcert the forward & intimidate the bashful. The maxims of the country have taught them & custom has forced them to almost consider a sociability on their part with gentlemen as an unbecoming forwardness—& they are by this means circumscribed within such nar-

row bounds as exclude the frankness & care which are necessary to put people on the most agreeable footing and constitutes the principal charms of Society.

The gentlemen are more sociable and I must confess as agreeable as any I have ever seen after a person has made an acquaintance with them. But they are generally very dissipated, little inclined to study & less to business.

A young man of 22 has often by his excesses wracked his constitution to such a degree as to commence his decline & be obliged to prop himself up by medicines. And this is not to be wondered at since spiritous liquors are often used instead of wines—and brandy, gin & cordials the circulating companions of their social meetings. This practice is the parent of many evils, destructive to health & happiness. First it causes a habitual Love of strong liquors & excess in the use of them. And I must note that I have heard & seen more of this here than in any place I have ever been acquainted with.

Another consequence of this habitual excess in strong liquors is an indifference to business or study. Far be it from me to charge all who fall under this description with being drunkards—this would comprehend too many—but still the disposition the young fellows have for shew and pastime, & not a few for carousing, makes them disregard improvement; & a young fellow of fashion looks down from the height of his ignorance upon the man of study with a mixture of pity & contempt for his consuming that time in the study "*he does not know what*" which he devotes to the offices of gallantry and to all the nobler pursuits of a beaux *d'esprit*. Business is too irksome & he fails not to shift it off upon his overseer, or negroes & betake himself to sports or ease as the humor of the moment shall direct him—

Another consequence of this intemperance is the disorder which it frequently occasions in private families. Of the truth of this I am also convinced by the experimental testimony of this country; where I must again remark that I hear of more family troubles & especially of the conjugal kind than in any other place. I every day hear of

unhappy marriages both in time past and present. This however I fancy may be partly attributed to the share which sinister views are apt to take, among people who plume themselves on rank & fortune, in the making of matches. But it seems not unnatural to suppose that their confirmed habits of idleness & dissipation being but illy suited with the duties of the married state, & tending to prodigality, & neglect of domestic Oeconomy (to say nothing worse) must rouse the apprehensions, the regret & sometimes the reproaches of those who are nearly connected. In confirmation of this it is acknowledged that many men large as their incomes may be are living above them; and a plurality of instances are not wanting wherein men of the first fortunes are much reduced by an imprudent prodigality. That there is but little of the spirit of Education here is evident (if it needs to be made more so) in that there has been ample provision made for the endowment of a College by persons who saw with regret the unletter'd situation the State was in on their death beds; and yet nobody has the spirit to draw them forth into utility.<sup>8</sup> This appears the more extraordinary after reflecting that many send their young sons to England for education from whence they generally return but little more improved & much more dissipated than they went—& after this much expense has been lavished upon them. This however may be in some measure the consequence of the connexions the people have with England which I take to be much greater here than at the northward. Many of the inhabitants came originally from great Britain, many of them are british merchants who indeed form by no means a small part, and many have very strong connexions there, all w<sup>b</sup>. together with the want of improvements in their own country sufficient to make them independent, conspires to keep alive their prejudices in favor of whatever is english. And notwithstanding this there exists in this country an inveterate enmity against g<sup>t</sup>. Britain which appears at first view to savor of the paradox. The causes of this additional hatred

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<sup>8</sup>Act of March 19th, 1785, chartering colleges at Winnsboro, Charleston and Ninety-Six.

arose at the conclusion of the war.<sup>9</sup> A number of british merchants found means to remain in the country; & foreseeing the great demand there w<sup>d</sup>. be for slaves & being the only persons possessed of cappel they early imported vast cargoes from Africa. The planters impelled by their necessities to procure slaves eagerly grasped at the first opportunities that offered; & unable to pay down the cash supplied themselves on credit, at whatever rate the british Merchants were pleased to fix; & they failed not to take advantage of their necessities and advanced upon them from 50 to 75 p<sup>r</sup> Cent. In a short time they became the creditors of a great part of the State; and the infatuated debtors began to view their situation with a degree of regret & concern, to the prospect of which they had been put too easily or voluntarily blinded by their necessities at the time of contract. The time of payment began to draw nigh & they then began to perceive (as they might or perhaps did foresee) how far they must fall short of their engagements.

The merchants influenced by no particular feelings of generosity to their late enemies, or pressed by their credit to make remittances, or as likely as either, expecting to get into their possession the plantations of their debtors for much less than their value, insisted rigidly upon the punctual fulfillment of their contracts. The crisis was important & melancholy for the planters & many of them were torn to pieces by legal process. An universal alarm took place—it became a common cause on both sides. The courts of justice being the resort of one became the terror & hatred of the other. The sheriff & his officers were threatened in the execution of their duty; and at length the people in the district of Camden grew outrageous—planted out centinels to intercept the sheriffs, & put the laws at defiance; and one Col<sup>o</sup>. Mayham being served by the sheriff with a writ obliged him to eat it on the spot.<sup>10</sup>

News of these transactions being brought the Govern<sup>r</sup>.

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<sup>9</sup>See the account given by Ramsey of the legislation as to debtor and creditor just after the Revolutionary War. (Ramsey Hist. of S. C., Vol. 2, page 425.)

<sup>10</sup>Col. Hezekiah Mayham of Marion's Brigade.

he immediately assembled the legislature, laid before them the proceedings in the language of a frightened man, & requested them to deliberate on the subject & strike out some mode either of restoring to the laws their wonted efficacy or of abating their rigor.

They took into consideration the distresses of the people the necessities which first impelled them to forego the dictates of judgment & discretion, & the character of the persons who had thus taken advantage of them. On the one hand it was urged that no precedent is more dangerous to society or more destructive of public credit, than that of the legislatures interfering in private contracts fairly made; that it unsettles all confidence between man & man, renders property uncertain, breaks down the pillars of commerce, & makes the people licentious & ungovernable. That the acts already passed with regard to old debts, arose from a very singular & uncommon necessity, which alone could have justified them; as contracting parties before the war could not foresee the great depredations that were about to be committed on their property, & that the fate of war had so disabled them to pay their debts. Circumstances were now different. They had contracted their late debts with their eyes open & could make no such plea. If they were able to pay they ought to be compelled to it—if not, they knew it before hand, & therefore deserved to be distressed for their fraudulent contracts. In a word that the legislature could not afford them countenance or relief without flagrantly invading the rights of individuals who having already been treated like citizens (tho' they became so by sufferance) ought now to enjoy the privileges of such.

On the other hand it was alledged—that the people after several years suspension from business, after the loss of a great part of their property & a consumption of their fortunes in exile viewed their forlorn situation as the prelude of their speedy ruin unless they immediately availed themselves of their plantations; which having been stripped of their stock could yield no relief unless they could fall on some mode of procuring negroes.

That when the british merchants threw out the bait they took it as their only resource; & that it was no wonder their necessities got the better of their judgment. They represented them as harpies preying upon those distresses & misfortunes to which themselves had been necessary; and using the word *tory* as a weapon (much as the zealots in the times of fanaticism used the word heretic) suggested that they had premeditated the design of getting into their hands extensive property thereby to infuse british influence into the government of this country and lastly that they might well afford to delay the recovery of their debts seeing they sold at such exorbitant prices & that the debts were now at interest. These & the like arguments applying to the prejudices, the passions & the interests of the legisl<sup>r</sup>. inclined them to interpose in behalf of the debtors; and being furnished with a plausible pretext for so doing from the recent meetings in the State, they easily brought themselves to pass "an act for the regulation of sheriff's sales," commonly called the pine barren act<sup>1</sup> because it authorises the d<sup>r</sup>. in case of prosecution to tender any kind of lands in payment (to be valued by persons chosen for that purpose) at  $\frac{2}{3}$  their value, & if they exceed the debt the C<sup>r</sup>. to give his bond & security for the remainder payable in six months. Thus the legislature at one stroke put an end to all civil prosecutions by this most impolitic & iniquitous law. Such is the nature of a republican government! And it is hard to decide which is most blamable the premeditated fraud of the debtor; or the weak & unsuspecting confidence of the creditor. The person who had committed this daring abuse upon the sheriff was prosecuted & tryed in Charleston—the Court sentenced him to 4 months imprisonment, a heavy fine & him-self & two securities to be bound to the peace for 6 years. The gov<sup>r</sup>. suspended the sentence until the meeting of the Legislature who (upon his submissions) entirely reversed the decree.

These are the causes of the great jealousies between the parties—for everything will now depend upon whose interest will be the greatest in the legislature; & it is alleged

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<sup>1</sup>Act of Oct. 12, 1785. It was limited by its terms to the end of the next session of the Legislature, and was never re-enacted.



that the british merchants by indirect means have made a considerable progress already. The politics of the State are very confused, opinions & interests various & adverse, & legislative councils possessing all the instability & uncertainty of republican caprice. Altho the foregoing accounts for the animosities which subsist between the B. Merchants & the people of this country; yet this unwarrantable interposition of the Legislature was produced by some other concurring causes. The same imprudence in accumulating debts had been exercised by every class of people amongst each other from 1782 to 1785. To this they might have been the more easily deluded by the ease with w<sup>b</sup>. they had ever been accustomed to make & obtain money in this country & never having known the difficulties of necessity. Debtors were equally tardy & refractory to all their creditors as well as to the british Merchants who were put at the head as persons with whom the least delicacy was to be observed. This was equally cruel & perfidious. So true it is that war corrupts the human mind, & tends to erase the salutary ideas of honesty & good faith. And when a legislature has once broken through the bounds of equity, the precedent becomes dangerous & no man can tell at what point it will stop. The constitution seems to be in general pretty well framed on the republican plan; except one clause which displays their english prejudices wherein the sole right of levying taxes is vested in the house of representatives to the exclusion of the Senate who are equally the representatives of the people. And the house of represent<sup>s</sup>. are as tenacious of this unmeaning prerogative as the convention was preposterous in the initiation. There is another clause exceptional for it's illiberality which excludes the clergy from a seat in either of the houses. Although it is not probable that the people w<sup>d</sup>. be disposed to elect them, or that clergymen of good sense would accept the appointment; still it is illiberal to exclude them by an express clause & inconsistent with liberty to refuse them a seat should they be made choice of

by the people for that purpose. I am told that it got a place in the constitution chiefly to exclude one parson Tennant<sup>12</sup> (a presbyterian) & who opposed with great eloquence & finally with success the attempts that were made to establish hierarchy & fix the episcopalians as the only Legal & Supreme Church in this country.

He carried his point; but his opponents in return fixed on him & his cloth a political silence forever. From hence it is manifest that the church of england is the pre-eminent and fashionable mode of worship here—especially in the city & lower parts of the country. The interior being much peopled from the northward & from Scotland partakes most of presbyterianism. There subsists but a poor understanding among the clergy from a variety of causes but chiefly from the two leading sects—the episcopalians not having forgotten their overbearing & assuming dispositions on the one part, nor the presbyterions their obstinacy & biggotry on the other. Although the constitution after the above exceptions seems tolerably well framed the laws are in a very confused & uncertain state—the best lawyer does not really know what is law at present. There is but one complete copy of the Laws of the State in existence—the british Statutes are retrenched by a defining act of the Legislature made since the war which specifies what particular statutes shall be in force. This has been rather injudicially done; for it is clear that to make so great an innovation required a full & complete view of the judicial

<sup>12</sup>The clause excluding clergymen is found in the constitution of March 19th, 1778, Section XXI and was continued substantially in the constitutions of 1790 and 1865, but was omitted from those of 1868 and 1895. It reads as follows:

“And whereas the ministers of the gospel are by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function—therefore no minister of the gospel or public teacher of any religious persuasion, while he continues in the exercise of his pastoral function, and for two years after, shall be eligible either as Governor, Lieutenant-Governor, a member of the Senate, House of Representatives, or Privy Council in this State.”

The words “and for two years after” and the reference to the “Privy Council” were stricken out of the constitutions of 1790 and 1865. This clause however skilfully drawn did not reconcile the clergy to their exclusion. Rev. William Tennent certainly delivered a strong argument, which has been published, in favor of the disestablishment of the Episcopal Church.

code in one prospect, a deep & accurate investigation, and a great deal of time to deliberate. The legislature have however been made sensible of the imperfections & errors of the present establishment, and in order to remedy them have it is to be feared laid the foundation of greater evils. They have appointed three commissioners, Judges Pendleton Burk and Grimke with full powers to draw up digest & organize a complete code of Laws *a capite ad calcem* which they are to present to the Legislature in three years; having furnished them with the surviving copy, & all the documents which can be obtained for this purpose.<sup>13</sup> This is clearly making these men lawgivers. For although it may be said that the laws are to have the revision & approbation of the Legislature before they are valid, still the difficulties are not removed. For if they are to be contemplated in detail the extreme ardency [sic] of the task & the inadequateness of the greater part of the legislature to examine & pass a proper judgment upon so immense a fabric will beget impatience & haste incompatible with business so momentous & important. Unless the magnitude of the object working upon the spirit of liberty should beget a jealousy which it is easy to conceive would issue in the most violent factions & oppositions when the code if passed would be a mere compound between parties & of consequence be cut & mangled into the most distorted shape imaginable. Or if this code is to be swallowed at a gulp which is the present idea of the commissioners themselves as well as of many others the government is for the time being (& what cannot be expected afterwards) changed into a complete aristocracy.

Lastly I conceive that it must be both deficient & faulty. Laws are suggested by occasions & are co-ordinate with political circumstances running parallel with the progressive exigencies of the State. It is easy to apprehend & institute them when the causes strike our senses; but it is not in human nature to contemplate unite & adjust the present past & future in one complete & corresponding system—unless where it might relate to the confined juris-

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<sup>13</sup>Such a "code" was, however, not adopted until 1870 under the provisions of the constitution of 1868.

dictions of Solon or Lycurgus. Besides the diversity of the materials, letting alone the objects, seem to me to threaten difficulties & confusion—the common & statute law of England, the bulky statutes of this country, & the recent revolutions of government. To them may be added the looseness & irregularity of legal Practice; owing I believe partly to the method of administering justice in the several parts of the state and partly to the carelessness of practitioners. Perhaps the latter proceeds from the former. The State is divided into two districts the Northern & Southern, each of which is subdivided into circuits; where circuit courts are held twice a year including sessions common pleas goal delivery & presided over by one of the associate judges of whom there are four. For these Courts all the business is prepared & causes brought to issue in Charleston; & then the lawyers & judges set off together taking the requisite papers with them & are generally absent about 5 weeks. The consequence of this mode is that all the attorneys centre in Charleston, are acquainted with one another & practice upon so liberal a footing as only to adopt so much of the english practice as suits their case & convenience & compound for the rest—so that no errors or omissions of that kind are taken advantage of; & the judges do not make it their business to scrutinize into these niceties. The practice is of consequence as slovenly & unsettled as the laws themselves. But the late introduction of county courts in two or three of the districts, by distributing the attorneys through the country will probably retrieve the practice in some measure from this state of confusion; at least as far as the deviations from the english mode of administering justice will admit of. This deviation is however considerable. Hitherto there has been but one court of common Law from which there lay no appeal except in the form of a new trial in Charleston if such could be obtained. This still remains; but there lies an appeal from the county court to the circuit court of its respective district when all causes so removed must be concluded.

Next to this there is a court of chancery presided over by *four* judges who sit four times a year in Chas". wherein

no cause can be protracted longer than one year except by special indulgence upon good cause shown. This seems an improvement upon the english plan; where delays are so great and so expensive as almost to defeat the equitable ends of its institution. However there are so many resorts for justice independently of it before the cause arrives to it that it will not be retarded if pursued in a proper manner. There is another mode of administering justice called a summary process; & is commenced by petition to the associate judge to summon the defend<sup>t</sup>. to shew cause why he should not immediately pay the sum demanded (which must not exceed £20 sterling) upon which one of the judges endorses his approbation. The party must have at least 10 days notice; & appear at the court into which it is returnable prepared to answer or pay the money. A hear<sup>g</sup>. is had & excution thereon. Inferior to this is the jurisdiction of justices of the peace which takes cognisance of any demand under £10 & proceeds in the ordinary way. From his decision recourse may be had to the Superior Court in the usual form of appeal. The Salaries of the judges are adequate to the office being a year those of the courts of Law £500 and of Equity £500 St<sup>g</sup>: besides the usual fees of office.

These salaries render the judges very independent, & as a necessary consequence the bench is reputable both for learning & dignity. Attempts have however been made to curtail these salaries by that spirit of parsimony not to say envy which too frequently attends democratic governments. It was however rejected by the last legislature tho' the number of advocates who appeared for the measure may give their honors no small ground to apprehend a stroke of the kind at some future day. Their legislature seems to be composed of a diversity of characters; many directed by party as well as private interests. The debtor interest is however prevelent, and operates in all the forms of injustice oppression; the laws are enacted not by principle of *right*, but by maxims of interest, & while men are madly accumulating enormous debts, their legislators are making provisions for their nonpayment.

The almost universal advantage which is taken of these iniquitous laws at once illustrate & confirms the maxim that a corrupt government necessarily bespeaks a corrupt people. This State having sustained a considerable share of the war has in a no less proportion partaken of its concomitant corruptions—men are ever astonished at each other when they see instances of fraud finesse & deceit where they have been accustomed to find the utmost punctuality honor & rectitude; but while they blush for the Crimes of their neighbors are themselves in one shape or another guilty of the same. Perhaps the contrast of principles between the present and past times is more striking in this, than in the Northern States. It had been the custom of the merchants to sell their goods negroes &c. to the planters at one years credit, and so universally did it obtain that the planters scarcely pretended to deal on any other terms. It was convenient for both—for the planter because when he got his crop to market in the fall he could command money—for the merchant because that was the time of making remittance; so that the planter had nothing to do but to draw on his factor for his arrears in rice or indigo; & the merchant rec<sup>d</sup>. and shipped it off. But this habit of giving & obtaining long & extensive credit implied or begot a great deal of honor & punctuality in dealing—'twas the merchants to cultivate it because he rec<sup>d</sup>. a proportional profit on his goods—it was the planters interest to support it because he got goods at his pleasure & paid at his leisure. Besides, once in arrears always so—for that he might obtain the supplies of the current year he must necessarily anticipate it's crop having already disposed of the last except that portion of it which he had sequestered for the support of his own etiquette. His credit of consequence became a very delicate & important part of his interest; & in a degree little inferior to that of the merchant himself. Perhaps the principle of commerce has seldom if ever entered more into the genius of the planting interest. In fact credit had wrought itself up into a principal of honor which uniting with that of interest had given to So. Carolina an extraordinary character for mutual confidence in their domestic intercourse & punctuality in their foreign

trade. Credit being thus the great medium of business it is easy to conceive the situation most men must have been in at the commencement of the war. viz: that the denominations of debtor & creditor must have included all the men in the State—all were included in a less or greater degree; and most men as much as their fortunes would closely bear. Another division of the inhabitants seems as obviously to be into merchant & planter which was the general proportion between debtor & creditor; and thus circumstanced, the one charged with debts across the water the other indebted to the merchants, they dropped business & went to war. As war in one view is a temporary return to a state of nature; as it calls forth into action all the latent principles of cruelty & barbarity which had been buried under a polished & civilized education; as it employs in its operations actions of cruelty & ferocity; and thro the arbitrary power of military establishments fills the mind with similar ideas, & suspends for the time being the exercise of justice & the cardinal and social virtues & supercedes the jurisdiction of the municipal laws—it has with propriety been said to corrupt mankind. On this principle has a state of nature been called a state of war; and history represents nations that are purely warlike as little better than savages.

What then might not be expected from a civil war? when a brother was often called to imbrue his hands in a brothers blood—where civil contracts were broken up & property set afloat upon the sea of a fluctuating paper, which tendered the strongest temptations to fraud & dishonesty under sanction of law. All the baneful effects which could be supposed to flow from this fountain of evil are visible here. The planter who had been accustomed to live at his ease found himself much distressed at the conclusion of the war; involved in debt, his plantation torn to pieces; his stock of negroes gone, & his creditors pushing for payment, the legislature immediately interfered &

opened a new source of hope as well to the imprudent & fraudulent as to the unfortunate. They learnt new lessons of fraud from legislative interference; improved the idea without loss of time as has been already mentioned by obtaining large supplies of negroes & goods at exorbitant prices upon long credit and as now appears without the design of paying until they have made their fortunes. Having thus deviated from the salutary principles of integrity & learnt to practice over the lessons of deceit one species became the parent of another & chicanery as much their study as the support of their credit had been before the war. Thus their apostacy is magnified thro the medium of their former integrity and the man sometimes blushes to find himself so much fallen from what he boasted to be his original character.

What ever disease this country may labour under its staples will still ensure it a considerable rank in a commercial point of view—the planting interest & the various modes of lucrative business must still invite to immigration. But while the facility with which money may be made invites to population; it has also a very considerable influence upon manners & customs. The inhabitants possess not that keenness & sagacity which are visible in countries more difficult to subsist in; and which tends to make them famous for ingenuity & improvements. Pleasure becomes in a great measure their study, Science but little patronized or pursued, & activity to habits of study looked upon as the retreats of the tasteless or melancholy resorts of the needy. While science is thus in a state of degradation the arts can scarcely be expected to flourish. Manufactures are neither patronized encouraged or pursued; and they seem to be perfectly content to supply themselves from foreign markets. The military art goes fast to decay; dwindling apace into empty pageantry and artless parade. They seem willing to forget the dangers & hardships of war amidst the alluring baits of pleasure; and vountarily to sink from the



active spirit of the soldier into the effeminate spirit of luxury and dissipation. It seems strange that while they lavish so much money upon the objects of luxury they are still but illy & imperfectly supplied. A person walking thro the market would have an idea of many of the commodities being but the mere cullings from the tables of those who supply them. Flesh coarse & seldom very fat or delicate; fish in no state of perfection, always dead & sometimes stale; and all sold at very exorbitant prices.

*(The end)*